

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2016-0112
No. SJ-2016-0126

Concord District Court
No. 1248CR1075
Boston Municipal Court
No. 1201CR3898

COMMONWEALTH

v.

EVANDO ANANIAS, CHRISTIAN FIGUEROE and Others

JUDGMENT

This matter came before the Court, Botsford, J., on the consolidated defendants' petition under G.L. c. 211, § 3 seeking emergency relief from the District Court's revised scheduling order dated October 17, 2016, including a requested stay of the October 31, 2016 deadline to return the Alcotest 9510 devices and related materials to the Office of Alcohol Testing. The Commonwealth filed a response assenting to the defendants' request for reconsideration of the scheduling order and additional time for all parties to prepare for the Daubert hearing concerning the reliability of the Alcotest 9510.

Upon consideration thereof, and with due consideration to the complex nature of this matter, significant judicial resources allocated to this matter by the District Court, and the more than

fifteen hundred cases that remain unresolved pending the final adjudication of these consolidated proceedings:

It is ORDERED and ADJUDGED that the petition pursuant to G.L. c. 211, § 3, be, and the same hereby is, ALLOWED. It is FURTHER ORDERED that the October 17, 2016 scheduling order is further revised as follows:

Return of Machines to the Office of Alcohol Testing: November 21, 2016.

Exchange of Expert Reports: December 5, 2016.

Filing of the Defense Daubert/Lanigan Motion: December 15, 2016.

Filing of the Commonwealth Response to Defense Daubert/Lanigan Motion and Stipulations: January 5, 2017.

Daubert/Lanigan Hearing: the hearing is to be held in January, 2017, the hearing dates to be scheduled by the judge presiding over these consolidated proceedings (Brennan, J.) in consultation with counsel, but the Daubert/Lanigan hearing must be completed no later than January 31, 2017. There are to be no further extensions granted with respect to the schedule unless allowed by the presiding judge.

By the Court, (Botsford, J.) MB


Assistant Clerk

Entered: November 1, 2016